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FREECYCLESUNNYVALE,

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT

OAKLAND DIVISION

FREECYCLESUNNYVALE, a California unincorporated association, Plaintiff, v. THE FREECYCLE NETWORK, an Arizona corporation, Defendant.	Case No. C06-00324 CW **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF COUNTERDEFENDANT FREECYCLESUNNYVALE'S NOTICE OF MOTION TO DISMISS COUNTERCLAIMS UNDER FED.R.CIV.P. 12(b)(6) AND MOTION TO STRIKE STATE-LAW COUNTERCLAIM UNDER CAL. CODE. CIV. PROC. § 425.16** Date: June 9, 2006 Time: 1:30 p.m. Before: Hon. Claudia Wilken Location: Courtroom 2
THE FREECYCLE NETWORK, INC., an Arizona Corporation, Counterclaimant, v. FREECYCLESUNNYVALE, a California unincorporated association, Counterdefendant.	

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Plaintiff and Counterdefendant FreecycleSunnyvale respectfully requests this Court to take judicial notice of court records from the United States District Court for District of Arizona under Fed.R.Evid. 201. *See Service Employees Intern. Union, Local 102 v. County of San Diego*, 60 F.3d 1346, 1356 n.3 (9th Cir. 1994) ("We take judicial notice of this document [amicus brief filed in another case] which is part of an official court record."). FreecycleSunnyvale asks this Court to take judicial notice of the court records in *The Freecycle Network v. Tim Oey and Jane Doe Oey*, Case No. CIV 06-00173-TUC-RCC (D. Ariz. filed Apr. 4, 2006), which is pending before the Honorable Raner C. Collins, United States District Court Judge. In particular, Defendant requests this Court to take judicial notice of the following court records, each of which is attached as an exhibit to this request.

1. Civil Docket showing documents filed in *The Freecycle Network v. Tim Oey and Jane Doe Oey*, Case No. CIV 06-00173-TUC-RCC (D. Ariz. filed Apr. 4, 2006), attached to this Request as Exhibit A.

2. Complaint for Trademark Disparagement, Injurious Falsehood, Defamation, Intentional Interference with Business Relations, Case No. CIV 06-00173-TUC-RCC (D. Ariz. filed Apr. 4, 2006; Document 1), attached to this Request as Exhibit B.

3. Plaintiff The Freecycle Network, Inc.'s Notice of *Ex Parte* Motion and Motion for Temporary Restraining Order, Case No. CIV 06-00173-TUC-RCC (D. Ariz. filed Apr. 19, 2006; Document 5), attached to this Request as Exhibit C.

4. Plaintiff The Freecycle Network, Inc.'s Notice of Motion and Motion for Preliminary Injunction, Case No. CIV 06-00173-TUC-RCC (D. Ariz. filed Apr. 19, 2006; Document 6), attached to this Request as Exhibit D.

5. The Freecycle Network, Inc.'s Memorandum of Points and Authorities in Support of *Ex Parte* Motion for Temporary Restraining Order and Motion for Preliminary Injunction, Case No. CIV 06-00173-TUC-RCC (D. Ariz. filed Apr. 19, 2006; Document 7), attached to this Request as Exhibit E.

6. Order Granting the Freecycle Network, Inc.'s *Ex Parte* Motion for Temporary Restraining Order, Case No. CIV 06-00173-TUC-RCC (D. Ariz. filed Apr. 24, 2006; Document

18), attached to this Request as Exhibit F.

7. Civil Order – Minute Entry, Case No. CIV 06-00173-TUC-RCC (D. Ariz. filed Apr. 24, 2006; Document 19), attached to this Request as Exhibit G.

8. Declaration of Esha Bandyopadhyay in Support of The Freecycle Network, Inc.'s *Ex Parte* Motion for Order to Show Cause Against Defendant Tim Oey Regarding Contempt Due to Failure to Comply with Temporary Restraining Order and Sanctions, Case No. CIV 06-00173-TUC-RCC (D. Ariz. filed May 2, 2006; Document 22), attached to this Request as Exhibit H.

Dated: May 4, 2006

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